



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Nshimiyimana Olivier Hamzat
Master Case No.: M2019-759
Document: Summary Action Order

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH**

In the Matter of

NSHIMIYIMANA OLIVIER HAMZAT
Credential No. NAC.NC.60434803

Respondent

Master Case No. M2019-759

**EX PARTE ORDER OF SUMMARY
ACTION**

PRESIDING OFFICER: John F. Kuntz, Review Judge

This matter came before the Presiding Officer, Review Judge John F. Kuntz, on delegation from the Secretary, on August 19, 2019, on a Motion for Order of Summary Action brought by the Nursing Assistant Program of the Department of Health (Program). The Program issued a Statement of Charges alleging that the Respondent violated RCW 18.130.180(1), (7), (24), WAC 246-16-100(1)(a), (b), (s) and (2). The Presiding Officer, after reviewing the Statement of Charges, Ex Parte Motion and supporting evidence, grants the Ex Parte Motion. CREDENTIAL SUSPENDED pending further action.

1. FINDINGS OF FACT

1.1 Respondent is a nursing assistant-certified, credentialed in the state of Washington at all times applicable to this matter.

1.2 The Program issued a Statement of Charges alleging Respondent violated RCW 18.130.180 (1), (7), (24), WAC 246-16-100(1)(a), (b), and (s), and WAC 246-16-100(2). The Statement of Charges was accompanied by all other documents required by WAC 246-10-201.

1.3 As set forth in the allegations in the Statement of Charges, as well as the motion for summary action, until his arrest in 2019, Respondent worked as a nursing assistant at a Seattle skilled nursing facility. Exhibit A.

During June 2019, Patient A disclosed to a family member that Respondent had been engaging in unwanted sexual contact with her during his care duties. Exhibit C. As a result of this report, the family member installed a camera and recorded the

Respondent both digitally penetrating Patient A's vagina and touching her breast.
Exhibit B.

On or about July 9, 2019, Respondent was charged with two (2) counts of Rape in the Second Degree under RCW 9A.44.050(1)(d), a class A felony, and one (1) count of Indecent Liberties under RCW 9A.44.100(1)(d), a class B felony, in the Superior Court of Washington for King County, case number 19-1-04225-3 SEA. These charges are related to conduct described above. Exhibit D.

The Respondent's alleged sexual assault of a rape of a patient in his care puts his patients as well as the as the public at risk. Given the Respondent's conduct and access to vulnerable members of the public as a nursing assistant, summarily suspending Respondent's credentials is the least restrictive action needed to protect the public from Respondent. Respondent is subject to be release from custody on bond related to these criminal matters at any time. The Secretary finds that the Respondent's engagement in the alleged sexual assault of a patient, as supported by the attached exhibits, justifies making a determination of immediate danger and justifies a decision to immediately suspend the credential until a hearing on the matter can be held.

1.4 The above allegations, supported by the declaration of Todd Terhaar, Health Care Investigator, together with the attached exhibits, justify the determination of immediate threat in this case and a decision to immediately suspend the credential until a hearing on the matter is held.

2. CONCLUSIONS OF LAW

2.1 The Secretary, (and by delegated authority the Presiding Officer) has jurisdiction over Respondent's credential to practice as a nursing assistant-certified. RCW 18.130.040.

2.2 The Secretary has authority to take emergency adjudicative action to address an immediate danger to the public health, safety, or welfare. RCW 18.130.135 and RCW 18.130.050(8).

2.3 The Findings of Fact establish the existence of an immediate threat to the public health and safety if Respondent has an unrestricted credential. The Findings of Fact establish that the requested summary action is necessary and adequately addresses the danger to the public health and safety.

3. ORDER

3.1 Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's credential to practice as a nursing assistant-certified is summarily suspended pending further disciplinary proceedings by the Secretary. Respondent shall immediately deliver all credentials, including wall, display, and/or wallet, if any, to the Program.

3.2 It is HEREBY ORDERED that a protective order in this case is granted. All healthcare information and non-conviction data contained in the Ex Parte Motion, Declaration, and attached exhibits shall not be released except as provided in RCW 70.02, RCW 10.97, and WAC 246-10-405.

Dated this 19th day of August, 2019.



JOHN F. KUNTZ, Review Judge
Presiding Officer

For more information, visit our website at:

<http://www.doh.wa.gov/PublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/Hearings.aspx>